

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lloyd Kaufman, Commissioners Matthew Hopkins, Geri Lanier, Danny Winborne, and Joseph Coratola (Alternate), Planning and Code Administration Director John Schlichting, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Planner Seiden, and Recording Secretary Myriam Gonzalez. Chair Bauer noted Alternate Commissioner Coratola would not be actively participating this evening, since all Commissioners were present.

AFP-2080-2013 -- Wormald Residence                      MXD Zone  
959 Featherstone Street  
8,096-Sq.Ft. Addition  
**AMENDMENT TO FINAL PLAN REVIEW**

Vice-Chair Kaufman moved, seconded by Commissioner Lanier, to APPROVE the CONSENT Agenda.

## II. RECOMMENDATION TO BOARD OF APPEALS

BOA-2063-2013 -- Peter Joseph for Jolly Shows  
Special Exception to permit a temporary carnival from May 15 through May 26, 2013, on the northeast parking lot of Lakeforest Mall, 701 Russell Avenue, Gaithersburg, Maryland. The property is located in the C-2 (General Commercial) Zone. The special exception is allowed by Zoning Ordinance (Chapter 24 of the City Code) § 24-118(2), subject to the review of the Board of Appeals.

Planner Seiden located the site and stated this application for a special exception amendment is almost identical to one granted to this applicant a year ago.

*Applicant Peter Joseph, Jolly Shows*, requested that operations be allowed to terminate at 11:00 p.m. from day one of operations, given that last year's operations ran without concerns.

There was no testimony from the public.

Vice-Chair Kaufman and Commissioner Lanier had no objections to the applicant's request. Commissioner Hopkins recommended additional language for staff's recommended Condition 3 for the waiver request, noting that the parking waiver may be applied to subsequent amendments to the special exception as long as no significant changes are made to the scope of the application and/or to the use of the mall property.

Planner Seiden voiced staff's recommendation for approval and referenced the recommended conditions as listed in the draft Board of Appeals resolution.

Vice-Chair Kaufman moved, seconded by Commissioner Winborne, to recommend to the Board of Appeals APPROVAL of Special Exception BOA-2063-2013 – Frank Joseph & Sons, Inc. (Jolly Shows), with the following conditions:

1. This special exception is granted for Frank Joseph & Sons, Inc. (dba Jolly Shows), only for the period from May 15, 2013, to May 26, 2013, and shall terminate after that time. Any subsequent carnivals shall require another public hearing by the Board of Appeals as an amendment to the special exception;
2. Operations shall terminate at 11:00 p.m. each evening unless a noise complaint is received, in which case operations on evenings subsequent to the complaint shall terminate at 10:00 p.m.; and
3. Applicant is to obtain a City of Gaithersburg Special Events permit prior to May 15, 2013.

Vote: 5-0

Vice-Chair Kaufman moved, seconded by Commissioner Hopkins, to grant Special Exception BOA-2063-2013, a TEMPORARY PARKING WAIVER of Zoning Ordinance § 24-219(c), with the following conditions:

1. Applicant is to obtain approval for Special Exception BOA-2063-2013 from the City of Gaithersburg Board of Appeals;
2. The temporary parking waiver will expire on May 27, 2013; and
3. This temporary parking waiver may be applied to subsequent amendments to the special exception for future carnivals during the month of May, provided that the applicant presents written property owner approval annually and there are no significant changes to the scope of the special exception application and/or the use of the mall property.

Vote: 5-0

### III. RECOMMENDATION TO MAYOR AND COUNCIL

CTAM-1904-2013 -- Amendment to Chapter 24 (City Zoning Ordinance), Article III, entitled, "Regulations Applicable to Particular Zones," Division 1A, entitled, "Generally," § 24-22(A)(3), Division 1, entitled, "R-A Zone, Low Density Residential," § 24-25, Division 19, entitled, "MXD Zone, Mixed Use Development," §§ 24-160D.3 and 24-160D.9, Division 21, entitled, "CBD Zone, Central Business District," § 24-160F.2, Division 22, entitled, "CD Zone, Corridor Development," §§ 24-160G.2, 24-160G.6, and 24-160G.8 through 24-160G.10, Article V, entitled, "Site Development Plans," § 24-172, Article VI, entitled,

"Administration and Enforcement of Chapter," § 24-180, Article VIII, entitled, Amendment Procedure," §§ 24-198(C)(3) and 24-196, Article IX, entitled, "Signs," §§ 24-211 And 24-212, to make modifications so as to eliminate redundant provisions; update, correct, and/or clarify text and procedures; and modify the requirements for electronic signs and the timing for posting of public hearing signs.

Planning Director Pruss briefly reviewed the more significant amendments, i.e., to electronic signs regarding the measure of brightness/motion of signs, as well as schematic development plans, concept and sketch plans to facilitate their process, and to cross-reference daycare uses.

Vice-Chair Kaufman stated he had no concerns. Commissioner Hopkins commented favorably on this application and encouraged staff to continue the housekeeping work to improve the Zoning Ordinance. Chair Bauer commended staff for the work on this item.

Commissioner Lanier moved, seconded by Vice-Chair Kaufman, to recommend ADOPTION of Text Amendment CTAM-1904-2013 to the City Council.

Vote: 5-0

#### IV. SITE PLAN

SP-12-0002 --	The Majestic at The Spectrum	MXD Zone
	Watkins Mill Road and Md. Rte. 355	
	Buildings F, H, L, M	
	FINAL PLAN REVIEW	

Planning Director Pruss located the property and the site under consideration, and briefly reviewed the previous approvals of the project. She indicated the subject proposal includes infrastructure, parking and footprints for the above-referenced buildings and final architecture for The Majestic (Building H) only. Ms. Pruss noted that final architecture for Buildings F, L, and M would be submitted as a plan amendment when tenants are known.

*Peter Henry, BP Realty*, emphasized the attention to detail in this plan, particularly relating to materials of the building and around it, and introduced the applicant's team. He discussed ownership, management and maintenance of areas around the park, i.e., roads, sidewalks, building activity coordination, leasing, and landscaping.

*Landscape Architect for the applicant, Luis Gonzalez, Studio LFG*, recapped the design goals and philosophy of the project and discussed features of the Performers Park, the temporary parking to support the park and retail as well as the architectural style of Building H (The Majestic), the pedestrian and biking circulation, and sidewalk system.

*Leigh Henry, BP Realty Investments, LLC*, discussed building elevations, storefront design, materials, and the parking garage access revision. She requested a courtesy review of the comprehensive sign package, noting, in particular, a proposed sign panel on the retaining wall along Md. Rte. 355.

*Architect for the applicant, Patrick Casey, Studio PSA*, presented and discussed sample materials and colors, as well as particular architectural features. He also discussed the unit mix and sizes. Mr. Casey addressed Vice-Chair Kaufman's comment on a seemingly lack of

architectural interest of the Majestic Building by noting projections, balconies, colors, and material variations among other urban style features.

There was no testimony from the public.

Planning Director Pruss voiced staff's recommendation for approval, citing the basis for staff's recommendation, subject to conditions as listed in the Staff Comments. She briefly addressed the timing of review/approval of signage.

Commissioner Hopkins voiced a concern over the temporary parking lot not having a time stipulation for completion as an enforcing mechanism. Mr. Henry discussed the timing of parking provisions for the different pad sites and the purpose of the temporary lot, and noted the applicant is agreeable to putting some plantings at this time, if necessary. Language for requiring bonding as an enforcement mechanism was discussed. The two proposed parking waiver requests were discussed and no concerns were raised.

Commissioner Hopkins did not favor the level of building architectural detailing at the pedestrian level and voiced some concerns with the courtyards. Chair Bauer was also concerned with the design of building elevations along Watkins Mill Road. Unfavorable comments focused on the concrete component, penetrations not being regularized, and the need for integrating the design of the bottom floor with the top. Ms. Henry noted the applicant intends to work further on integrating design elements along the Watkins Mill Road side. Chair Bauer noted that given the concerns with the building architectural design at the pedestrian level, the architectural aspect of the plan is not ready for approval this evening.

Commissioner Winborne moved, seconded by Vice-Chair Kaufman, to grant SP-12-0002 - The Majestic at The Spectrum, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance § 24-170, with the following conditions:

1. The applicant shall submit architectural elevations and landscape plans as an Amendment to Final Plan for Buildings F, L, and M prior to the issuance of any building permits for those buildings;
2. The applicant shall provide a storm drainage plan to direct the runoff from the temporary parking lot to the existing storm drain system to be reviewed and approved by Department of Public Works (DPW) prior to the issuance of site development permit;
3. The applicant shall revise the site, lighting, paving, storm drain and grade establishment plans and details as required by DPW prior to the issuance of site development permits;
4. The applicant shall receive approval of a final utility plan from DPW and letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for each phase;
5. As part of building permit application and prior to approval of building permits, the applicant shall submit certification by a professional engineer with competency in acoustical analysis that the building shells will attenuate exterior noise levels to

an interior level not to exceed 45 dBA Ldn. A final noise mitigation plan shall be reviewed and approved by staff prior to the issuance of building permits;

6. The applicant is to ensure that the design of all multi-story buildings with ground floor retail accommodate mechanical vent shafts through all floors for the first floor units;
7. The applicant is to work with staff to locate new bus shelters near the Travis Avenue and Watkins Mill Road entrances to the development. The bus shelters shall be the City prototype without advertising;
8. The applicant is to finalize Art in Public Places Program (AIPP) agreement with the City;
9. At the time of final site plan application for Building L, the applicant shall work with staff to redesign/reorient Building L to minimize views of the drive through and to provide landscaping on both sides of the landscape wall surrounding the vehicle use areas;
10. Road construction phasing: Public road improvements including curb and gutter, paving, storm drain, sidewalk and street lights shall be completed in the following sequence:
  - a. Post Preserve Road from existing Maryland Route 355 to Station 5+81.50, and Spectrum Avenue from station 18+80.78 to existing Maryland Route 355 shall be constructed prior to occupancy permits being issued for Buildings A, B, C or S.
  - b. Spectrum Avenue from station 11+20 to 18+80.78, and Spectrum Boulevard from Watkins Mill Road to Spectrum Avenue shall be constructed prior to occupancy permits being issued for Buildings D, E, F, G, H, I, J, K, L, and M.
  - c. Spectrum Avenue from station 7+24.83 to 18+80.78 shall be constructed when the parking lot for future Building Q is constructed.
  - d. Spectrum Avenue from existing Professional Drive to station 7+24.83 shall be constructed prior to occupancy permits being issued for Building R.
11. The applicant shall return to the Planning Commission for final approval of architectural details as an amendment to final plan prior to the issuance of building permits for Building H.

Vote: 5-0

V. FROM THE COMMISSIONAlternate Commissioner Coratola

Commended the Commission for the quality of their review this evening.

Commissioner Hopkins

Suggested considering approving temporary uses on designated places via the licensing process to facilitate application/review processes for applicants.

VI. FROM STAFFPlanning and Code Administration Director Schlichting

1. Provided status reports on MedImmune and associated aspects of that project, the Frederick Avenue Development Capacity Study, and possible gas tax implications of the Watkins Mill interchange.
2. Noted he would be attending (April 13-17) the American Planning Association 2013 National Conference in Chicago.

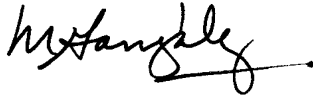
Community Planning Director Schwarz

Listed upcoming events in April, including the State of the City Dinner, the Planning Commission Webinar, and a joint public hearing on Crown Neighborhood 1.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:56 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Gonzalez', with a stylized flourish at the end.

M. Gonzalez  
Recording Secretary